



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dirk Stenkamp *et al.*

Examiner: Patricia L. Morris

Serial No.: 10/697,443

Group Art Unit: 1625

Filed: October 30, 2003

Docket: 1/1406

Customer No.: 28501

Confirmation No.: 7729

For: ALKYNE COMPOUNDS HAVING MCH-ANTAGONISTIC ACTIVITY AND
MEDICAMENTS COMPRISING THESE COMPOUNDS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO RESTRICTION REQUIREMENT

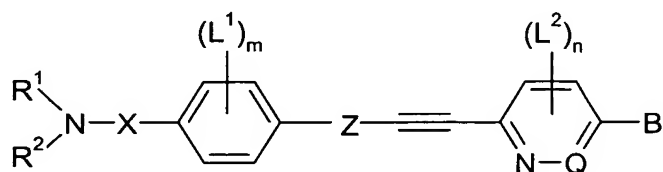
Sir:

This Reply is filed in response to the Office Action dated December 22, 2005. In that Office Action, a one month shortened statutory period was set for response. Applicants hereby petition for the necessary extension of time under 37 C.F.R. § 1.136 and authorize that the fee due under 37 C.F.R. § 1.16 and any other fees due in connection with this Reply be charged to Deposit Account No. 02-2955. The extension of time fee is paid by the enclosed Fee Transmittal Form. In addition, applicants also request that any subsequently filed reply requiring a petition for an extension of time for its timely submission be treated as if it incorporated such petition for an extension of time pursuant to the provisions of 37 C.F.R. § 1.136(a)(3) and hereby authorize that any fees due in connection therewith be charged to Deposit Account No. 02-2955.

In the Office Action, the Examiner imposed a restriction requirement in the instant application.

In response to that restriction requirement, applicants hereby elect with traverse Group VIII, claims 1 to 14. Applicants, however, maintain that Groups I, III, IV, and VIII should be joined and examined together as they are sufficiently related such that the search for relevant art for one Group would be expected to uncover prior art that is relevant to the other Group,

since each of these Groups have related structure, as set forth in more detail below. In view of common structural elements and searchability, applicants propose to amend the claims to define a claimed invention as follows (in analogy to the formulae IIa and IIb in the specification):



wherein:

R¹ and R² independently of one another represent a C₁₋₈-alkyl group optionally substituted by the group R¹¹ (support see page 22, lines 16 to 18); or

R¹ and R² form an alkylene bridge in such a way that R¹R²N- denotes a group selected from azetidine, pyrrolidine, piperidine, azepan, wherein one or more H atoms may be replaced by R¹⁴ (support see page 24, lines 5-6);

X as defined in claim 1;

Z as defined in claim 1;

B as defined in claim 1;

Q is N or CH;

L¹ and L² each denote H or have one of the meanings given for R²⁰ (support see page 48);
and

m and n independently of one another represent the values 0, 1 or 2 (support on page 49).

This proposal combines Groups I, III, IV, and VIII and includes cases wherein the group A is pyridine or pyridazine. The examiner recognized the A is pyridazine only in connection with R^1R^2N being morpholine (Group VIII).

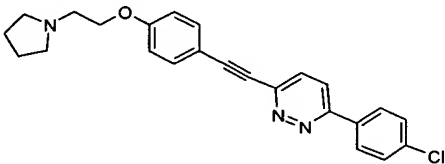
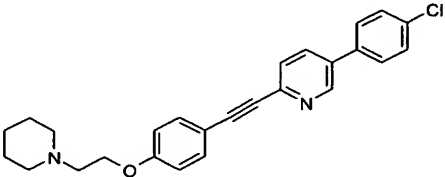
The common structural elements in the above formula are:

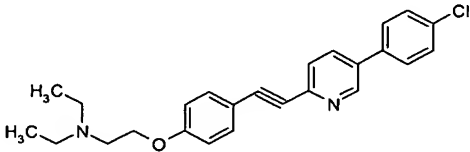
- the amine group connected via a spacer group X to the phenyl group;
- the ethynyl group linked to the phenyl group via a spacer group Z;
- the pyridinyl group (which may bear an additional N-atom in the ring, i.e. may be a pyridazine group) which is linked to the ethynyl group;

The amine group R^1R^2N - allows variations:

- R^1 and R^2 are optionally substituted alkyl,
- R^1 and R^2 may be connected to form a 4 to 7 membered azacycloalkyl group, i.e. to form an azetidine, pyrrolidine, piperidine, or azepan.

The flexibility in the amine part and in A is pyridine or pyridazine is illustrated by the following examples:

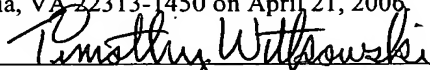
Example	Structure	IC ₅₀
3,64		< 20 nM
4,1		< 20 nM

1,4		< 20 nM
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Thus, a search for relevant art and subsequent examination of the proposed claim would not be an undue burden on the Examiner and restriction should be withdrawn. M.P.E.P. § 803.

Applicants reserve the right to prosecute in one or more divisional applications whatever subject matter is not examined or allowed here. Applicants also respectfully submit that all the pending claims are allowable and therefore solicit a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

Certificate of Mailing Under 37 C.F.R. § 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 21, 2006.



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4-21-2006

Dated

Respectfully submitted,



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